

**COLORADO RIVER RECOVERY PROGRAM  
FY-2004-2005 PROPOSED SCOPE OF WORK**  
(Easement management)

Project No.: C-6-EM

**Note: Needs budget breakdown by task, and labor rates.**

**Note: Annual reports only.**

Lead Agency: U.S. Fish and Wildlife Service  
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Category:

- ☐ Ongoing project  
☒ Ongoing-revised project  
☐ Requested new project  
☐ Unsolicited proposal

Expected Funding Source:

- ☐ Annual funds  
☐ Capital funds  
☒ Other (explain) O&M

**I. Title of Proposal:**

Management of easements acquired for the Recovery Program

**II. Relationship to RIPRAP:**

- GREEN RIVER ACTION PLAN: MAINSTEM  
ACTIVITY II. RESTORE HABITAT  
II.A. Restore and manage flooded bottomland habitat.
- COLORADO RIVER ACTION PLAN: MAINSTEM  
ACTIVITY II. RESTORE HABITAT  
II.A. Restore and manage flooded bottomland habitat.
- COLORADO RIVER ACTION PLAN: GUNNISON RIVER  
ACTIVITY II. RESTORE HABITAT  
II.A. Restore and manage flooded bottomland habitat.

**III. Study Background:**

Easements have been acquired on 830 acres (13 properties) as of June 2003. Offers are currently out on several additional properties. Easements acquired by the Recovery Program are transferred to the U.S. Fish and Wildlife Service, Division of Refuges for management as part of the Colorado River Wildlife Management Area established in July 1999. All easements are managed in accordance with an easement management manual ("Administrative and Enforcement Guidelines and Procedures for Management of Perpetual Floodplain Easements, Colorado River Wildlife Management Area" dated April 3, 2000). Management will primarily consist of monitoring easements to ensure that landowners comply with easement conditions. The Refuge Manager and/or staff will visit with landowners to ensure that they understand the terms of the easement; they will conduct annual aerial inspections of the easements; and they will conduct annual ground inspections. Procedures have been established in the event of an easement violation.

#### **IV. Study Goals, Objectives, End Product:**

Goal:

To monitor and manage easements acquired by the Recovery Program for the purpose of supporting and sustaining recovery of the endangered fishes

Objectives:

1. To restore, enhance, and/or protect floodplain habitats to benefit endangered fishes.
2. To maintain positive relationships with Colorado River Wildlife Management Area landowners.

End Product: Annual report submitted to the Recovery Program

#### **V. Study Area**

Easements are located within priority geographic areas which include the Green River floodplain between Pariette Draw (RM 238) and Dinosaur National Monument (RM 318); the Gunnison River floodplain between Escalante SWA (RM 50) and the North Fork (RM 75) and the Whitewater area; and the Colorado River floodplain between Westwater (RM 127) and Rifle (RM 240).

#### **VI. Study Methods/Approach**

After an easement is acquired by the Recovery Program and transferred to the U.S. Fish and Wildlife Service, Division of Refuges, contact will be established between the Refuge Manager and the landowner as soon as possible. A letter will be sent by the Refuge Manager to the landowner that introduces the easement Manager and describes what the landowner can expect during easement administration. Attached to the letter will be maps, photos, and legal descriptions that delineate easement boundaries; and lists of activities

that are allowed, not allowed, or allowed only with a permit. Floodability enhancement plans will accompany the letter where applicable. The landowner needs to be notified prior to any construction activities, and a pre-construction meeting will be held with the landowner in attendance. After initial contact, easement reminder letters will be sent annually.

The Refuge Manager may conduct an annual on-site meeting with the landowner and/or operator. At such a meeting, the Refuge Manager will review the terms and conditions of the easement contract, reaffirm the landowners and the operators understanding of the terms and conditions, visually inspect all dikes, dams, and levees, building sites and other improvements to assess whether any improvements or additions contrary to the easement or Service permits have been made, or that Service constructed inlets, outlets, gates, dikes, or levees are operating as designed and are in a good state of repair. Any management problems that the landowner or operator are experiencing will be discussed.

The annual meeting and inspection are also ways to reaffirm that the landowner, or possibly a new or second-generation landowner or operator, is aware and knowledgeable of the easement and its terms and conditions, and a way to establish more of a partnership or relationship between the landowner/operator and the Service.

All easements may be checked aerially for compliance once each year during spring runoff (May). The objective is to detect all activities which may constitute a violation of the floodplain easement contracts. Such violations would include alterations in floodplain topography or hydrology resulting from earth-moving, excavation, and/or construction or operation of flood-control features.

If violations are suspected as a result of the routine aerial flight in May, then follow-up ground inspections will be conducted as soon as possible. Otherwise, routine annual on-the-ground inspections are made in September or October. This step will eliminate more suspected violations. Once a violation is confirmed, it must be investigated and documented in detail.

If damage or harm to the floodplain easement can be demonstrated or articulated as a result of activities within the easement boundaries, an easement violation may have been committed. The circumstances will be documented and the landowner will be consulted. If the landowner does not repair the damage, the Refuge Manager or Special Agent may issue a notice of violation. Compliance contacts will be made until restoration or restitution has been accomplished.

Global Positioning System (GPS) and GIS mapping may take place on all acquired easements. Easement boundary, access point and existing structures are recorded. Other points or areas of significance within or related to the easement are recorded.

To address local concerns, easement management will include monitoring for noxious weeds. The monitoring may be conducted by refuge staff during annual ground inspections, or it may be contracted out. The degree to which easement management will involve noxious weed management and control is not known at this time.

## **VII. Task Description and Schedule (FY2004)**

1. Initial contact with landowner (within 30 days after easement is acquired or land ownership has been transferred)
2. Annual monitoring
  - a. Aerial inspections (May) if deemed necessary
  - b. Ground inspections and annual meetings with landowners (September/October unless an easement violation was detected during an aerial inspection)
3. Pre-construction meetings (as needed)
4. Permit issuance (as needed)
5. Enforcement (as needed)

## **VIII. FY-2004 Work**

-Description of Work

See study methods/approach and task descriptions, above.

-Deliverables

Annual reports of activities

## **IX. Budget Summary**

### **FY 04 Budget**

\$48K/year - labor, (GS-09 full-time permanent, cost to government)

9K/year - weed monitoring/management (GPS equipment, photo points)

5K - travel, aircraft rental, and supplies

Total \$ 62K

The budget increase to this SOW allows for an unforeseen increase to the base salary of the previously agreed upon permanent full-time position. This position was classified as a GS-9 as opposed to our original thinking of a GS-7. The number of easements now being managed has doubled and are located on two additional rivers (Colorado and Gunnison). The Ouray NWR does not have supplies and equipment to spare for the management of the Colorado River WMA. The \$40K provided in 2001 was not sufficient to provide adequate management and review of all proposed and acquired easements. In fact, the Ouray Refuge provided the difference and can not continue to do so.

The budget increase to this SOW reflects only the bare necessities to conduct the management of the easements. Any reduced amount of funding will seriously compromise the management of the easements.

FY 05 Budget

\$48K/year - labor, (GS-09 cost to government)

9K/year - weed monitoring and management (GPS equipment, photo points)

5K - travel, aircraft rental, and supplies

Total \$62K

**Signature Lines**